**Mediation as Strategic Conflict and Complexity Resolution Enabler**

**Lecturer:** Adv. Smit Crouse (LLB, LLM, IDP-C)

**Course Description**

The evolution of globalization, with its underlying political, legal and economic systems, has brought us to a point of unprecedented uncertainty. Disruption and discord in key areas, including the environment and social stability, pose major existential threats to current and future generations. Conflict and complexity abound.

This course is unique in its approach to combining theory and practice which, in addition to teaching fundamental elements of mediation, also leaves students with a basic proficiency in mediation practice. The context of this course centers around mediation in all applicable areas, including its practice in Europe and across international platforms.

In this course, active class participation will be closely correlated with academic success.

**Course outline**

1. Introduction to Mediation
   1. History of mediation and its evolution
   2. European and International landscape
   3. Mediation and the Law
   4. Mediation as ADR
   5. Determination of disputes and situations for mediation
2. Self-reflection
   1. Role of the Mediator
   2. Mediator Characteristics
   3. Unconscious bias in Negotiation and Mediation
3. Neuroscience and conflict resolution
   1. Perception
4. Mediation Process and Skills
   1. Different approaches
   2. Mediation Skills
   3. Strategies and Techniques
5. Stages of mediation part 1 of 2
6. Stages of mediation part 2 of 2
7. Seminar - Case Study 1
8. Seminar - Case Study 2
9. Mediation simulation

Assignment: Analyze a mediation case study and consider salient points for a settlement agreement

**Assessment**

In addition to a term paper, grading will include a written assignment and participation in mediation simulation / case study discussions.

**Course Lecturer - Adv. Smit Crouse (LLB, LLM, IDP-C)**

Smit is a specialist international advocate at law working on large complex international disputes. Smit has more than twenty-five years’ international experience in Law, Finance and General Commerce. He has worked in diverse environments including Multinational, International Development Multilateral Organisations and Private Legal Practice across both developed and emerging markets, serving in various capacities from Professional Advisory to Senior Executive including Group CEO.

He is a former Senior Special Adviser to the World Bank Group’s International Finance Corporation, and before that was the Managing Executive for South African Bank Nedbank Group’s Africa Investments and Strategic Relations across emerging markets including Africa, China and India. Smit was also part of the senior management team at PricewaterhouseCoopers – Corporate Finance/Tax, after qualifying and practising as an attorney at law.

Smit holds LLB (Law) and LLM (Tax) degrees from the University of Pretoria, and an International Director Certification from INSEAD, France. He is also an alumnus of Harvard, Oxford and Singularity Universities through participation in various Executive Programmes. In the field of Humanities, Smit holds accreditation and is an associate member of the Viktor Frankl Institute in Texas, USA.